

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

FEVO, INC.,

Plaintiff,

Case No. 22-cv-10030  
Hon. Matthew F. Leitman

v.

SPINZO CORPORATION,

Defendant.

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**ORDER TERMINATING DEFENDANT’S MOTION  
TO DISMISS (ECF No. 11) WITHOUT PREJUDICE AS MOOT**

On January 6, 2022, Plaintiff Fevo, Inc. filed this action against Defendant Spinzo Corporation. (*See* Compl., ECF No. 1.) Fevo alleges, among other things, that Spinzo has engaged in “unfair and illegal competitive” behavior. (*Id.* at ¶6, PageID.3.) Spinzo then filed a motion to dismiss pursuant to Federal Rules of Civil Procedure 12(b)(2), (5), and (6). (*See* Mot. to Dismiss, ECF No. 11.)

On February 22, 2022, without expressing any view on the merits of the motion to dismiss, the Court entered an order granting Fevo leave to file a First Amended Complaint in order to remedy the alleged deficiencies in its claims identified by Spinzo in its motion to dismiss. (*See* Order, ECF No. 12.) The Court informed the parties that if Fevo decided to file a First Amended Complaint, it would terminate Spinzo’s motion to dismiss without prejudice. (*See id.*)

On March 8, 2022, Fevo filed a notice with the Court that it intends to file a First Amended Complaint. (*See* Notice, ECF No. 13.) Accordingly, because Fevo will be filing a First Amended Complaint, the Court **TERMINATES** Spino's motion to dismiss (ECF No. 11) **WITHOUT PREJUDICE AS MOOT**. Spino may re-file a motion to dismiss directed at the First Amended Complaint if it believes that such a motion is appropriate after reviewing that pleading.

**IT IS SO ORDERED.**

Dated: March 9, 2022

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 9, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan  
Case Manager  
(313) 234-5126